

1 TRINETTE G. KENT (State Bar No. 025180)
2 11811 North Tatum Blvd., Suite 3031
3 Phoenix, AZ 85028
4 Telephone: (480) 247-9644
5 Facsimile: (480) 717-4781
6 E-mail: tkent@lemborglaw.com

7 *Of Counsel to*
8 Lemberg & Associates LLC
9 A Connecticut Law Firm
10 1100 Summer Street
11 Stamford, CT 06905
12 Telephone: (203) 653-2250
13 Facsimile: (203) 653-3424

14 Attorneys for Plaintiff,
15 Valerie Holt

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE DISTRICT OF ARIZONA

18 Valerie Holt,

19 Plaintiff,

20 vs.

21 U.S. Collections West, Inc.; and
22 DOES 1-10, inclusive,

23 Defendants.
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Case No.:

COMPLAINT

JURY TRIAL DEMANDED

1 For this Complaint, the Plaintiff, Valerie Holt, by undersigned counsel, states as
2 follows:
3

4 **JURISDICTION**

5 1. This action arises out of Defendants' repeated violations of the Fair Debt
6 Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA") in their illegal efforts
7 to collect a consumer debt.
8

9 2. Original and supplemental jurisdiction exists pursuant to 28 U.S.C. §§ 1331,
10 1367.
11

12 3. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that
13 Defendants transact business here and a substantial portion of the acts giving rise to
14 this action occurred here.
15

16 **PARTIES**

17 4. The Plaintiff, Valerie Holt (hereafter "Plaintiff"), is an adult individual residing
18 in Phoenix, Arizona, and is a "consumer" as the term is defined by 15 U.S.C. §
19 1692a(3).
20

21 5. The Defendant, U.S. Collections West, Inc. (hereafter "USCW"), is an Arizona
22 company with an address of 2320 W. Peoria Avenue, #C116, Phoenix, Arizona,
23 85029, operating as a collection agency, and is a "debt collector" as the term is
24 defined by 15 U.S.C. § 1692a(6).
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1 6. Does 1-10 (the “Collectors”) are individual collectors employed by USCW and
2 whose identities are currently unknown to the Plaintiff. One or more of the Collectors
3 may be joined as parties once their identities are disclosed through discovery.
4

5 7. USCW at all times acted by and through one or more of the Collectors.
6

7 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

8 **A. The Debt**

9 8. The Plaintiff allegedly incurred a financial obligation in the approximate
10 amount of \$320.00 (the “Debt”) to an original creditor (the “Creditor”).
11

12 9. The Debt arose from services provided by the Creditor which were primarily
13 for family, personal or household purposes and which meets the definition of a “debt”
14 under 15 U.S.C. § 1692a(5).
15

16 10. The Debt was purchased, assigned or transferred to USCW for collection, or
17 USCW was employed by the Creditor to collect the Debt.
18

19 11. USCW attempted to collect the Debt and, as such, engaged in
20 “communications” as defined in 15 U.S.C. § 1692a(2).
21

22 **B. USCW Engages in Harassment and Abusive Tactics**

23 12. On or around September 19, 2012, USCW began contacting Plaintiff in an
24 attempt to collect the Debt by placing calls to Plaintiff’s cellular phone.
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1 13. During each conversation with Plaintiff, USCW demanded immediate
2 satisfaction of the Debt from Plaintiff and yelled over Plaintiff when she attempted to
3 communicate with USCW.
4

5 14. On at least one occasion, USCW threatened to bring legal action against
6 Plaintiff; however, no such legal action has been taken.
7

8 15. During a conversation on September 25, 2012, USCW threatened to garnish
9 Plaintiff's wages and stated that the state of Arizona would enforce such garnishment.
10

11 16. At the time USCW threatened garnishment, it did not have the ability to
12 effectuate an immediate garnishment of Plaintiff's wages because it had not obtained a
13 judgment.
14

15 17. Furthermore, USCW failed to provide Plaintiff with written validation of the
16 Debt.
17

18 **C. Plaintiff Suffered Actual Damages**

19 18. The Plaintiff has suffered and continues to suffer actual damages as a result of
20 the Defendants' unlawful conduct.
21

22 19. As a direct consequence of the Defendants' acts, practices and conduct, the
23 Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional
24 distress, fear, frustration and embarrassment.
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COUNT I
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT
15 U.S.C. § 1692, et seq.

20. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

21. The Defendants engaged in behavior the natural consequence of which was to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d.

22. The Defendants used profane and abusive language when speaking with the consumer, in violation of 15 U.S.C. § 1692d(2).

23. The Defendants used false, deceptive, or misleading representation or means in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e.

24. The Defendants threatened the Plaintiff with garnishment if the debt was not paid, in violation of 15 U.S.C. § 1692e(4).

25. The Defendants threatened to take legal action, without actually intending to do so, in violation of 15 U.S.C. § 1692e(5).

26. The Defendants employed false and deceptive means to collect a debt, in violation of 15 U.S.C. § 1692e(10).

27. The Defendants used unfair and unconscionable means to collect a debt, in violation of 15 U.S.C. § 1692f.

1 28. The Defendants failed to send Plaintiff an initial letter within five days of its
2 initial contact with Plaintiff as required by law, in violation of 15 U.S.C. § 1692g(a).

3
4 29. The Defendants continued collection efforts even though the debt had not been
5 validated, in violation of 15 U.S.C. § 1692g(b).

6
7 30. The foregoing acts and omissions of the Defendants constitute numerous and
8 multiple violations of the FDCPA, including every one of the above-cited provisions.

9 31. The Plaintiff is entitled to damages as a result of the Defendants' violations.
10

11 **PRAYER FOR RELIEF**

12 WHEREFORE, the Plaintiff prays that judgment be entered against the
13 Defendants as follows:

14 A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against the
15 Defendants;

16 B. Statutory damages of \$1,000.00 pursuant to 15 U.S.C.
17 §1692k(a)(2)(A) against the Defendants;

18 C. Costs of litigation and reasonable attorneys' fees pursuant to
19 15 U.S.C. § 1692k(a)(3) against the Defendants;

20 D. Actual damages from the Defendants for all damages, including
21 emotional distress suffered as a result of the intentional, reckless, and/or
22 negligent FDCPA violations in an amount to be determined at trial; and

23 E. Such other and further relief as may be just and proper.
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TRIAL BY JURY DEMANDED ON ALL COUNTS

DATED: November 1, 2012

LEMBERG & ASSOCIATES, LLC

By: /s/ Trinette G. Kent
Trinette G. Kent

Attorney for Plaintiff
Valerie Holt